

Remarks

Claim 3 is cancelled and claims 1 and 4 are amended.

Claims 1, 2 and 4 to 10 are pending in this application of which only claim 1 is in independent form.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Kato et al. The following will show that claim 1, as amended, patentably distinguishes the invention over this reference.

At column 7, line 62, and continuing to column 8, line 24, Kato et al discloses that the target valve timing TVT is computed on the basis of the manifold pressure MP, idle signal IDL, shift position SP and engine speed NE. In addition, the manifold pressure is detected by the manifold pressure sensor 60 which measures the air pressure in the air intake passage.

In a next step, an actual valve timing VT is calculated from the detected values of the cam angle sensor 58 and the crank angle sensor 57. If the target valve timing TVT is not equal to 0° CA, the drive duty cycle DVT is calculated by the equation  $GDVTH + Kx(TVT - VT)$  wherein GDVTH is a constant to hold the camshaft position and K is another constant. Accordingly, the drive duty cycle DVT depends on the actual difference between the target valve timing TVT and the actual timing value VT.

Even if the targeted timing value TVT is equal to 0° CA, then there is still no suggestion in Kato et al to take any parameter of the hydraulic liquid into account for determining an actuating signal.

Thus, and in contrast to Kato et al, applicants have amended claim 1 to now incorporate the feature and limitation of claim 3 which provides for:

"determining said precontrol component based on selected ones of said of said state quantities which represent the state of the hydraulic liquid which effects an actuating movement of said camshaft actuator." (emphasis added)

There is no suggestion anywhere in Kato et al which would enable our person of ordinary skill to arrive at the above feature and limitation so that claim 1 should now patentably distinguish the applicants' invention over this reference.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Meyer et al. However, claim 3 was not included in this rejection so that the incorporation of the above-quoted feature and limitation of claim 3 into claim 1 should now place claim 1 beyond the reach of our artisan exercising only ordinary skill.

Applicants add that in column 3, lines 38 to 45, Meyer et al discloses that the speed, throttle valve position and engine temperature are used for determining the set point angular position. There is no suggestion in this reference that any of these parameters or parameters pertaining to the hydraulic liquid are used to determine an actuating signal. For determining an actuating signal, Meyer et al discloses only to take the actual angular position for the crankshaft into account as shown, for example, by claim 1 of this reference.

For the reasons advanced above, applicants' claim 1 should now patentably distinguish their invention over Kato et al and

Meyer et al and be allowable. The remaining claims 2 and 4 to 10 are all dependent from claim 1 so that these claims too should now be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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